

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): HONG, Jun-II

Examiner: LEE, Ting Zhou

Serial No.: 10/038,312

Group Art Unit: 2173

Filed: November 9, 2001

Docket: 678-625 (P9633)

Dated: **October 12, 2010**

For: **METHOD OF PROVIDING USER INTERFACE IN A PORTABLE TERMINAL**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TRANSMITTAL OF APPELLANTS' BRIEF ON APPEAL

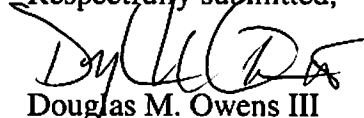
Sir:

Enclosed please find APPELLANTS' BRIEF.

Also enclosed is a credit card payment in the amount of \$540.00 to cover the appeal fee.

If the enclosed credit card payment is insufficient for any reason or becomes detached, please charge the required fee under 37 C.F.R. §1.17 to Deposit Account No. 50-4053. Also, in the event any additional extensions of time are required, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-4053.

Respectfully submitted,



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANT(S): HONG, Jun-Il

GROUP ART UNIT: 2173

APPLICATION NO.: 10/038,312

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**FOR: METHOD OF PROVIDING USER INTERFACE IN A PORTABLE
TERMINAL**

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APPELLANT'S BRIEF ON APPEAL

REAL PARTY IN INTEREST

The real party in interest is Samsung Electronics Co., Ltd., the assignee of the subject application, having an office at 416, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.

RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge and belief, there are no other currently pending related appeals, interferences or judicial proceedings.

STATUS OF CLAIMS

Original Claims 1-5 were filed on November 9, 2001. Claims 1-5 were amended in an Amendment filed with a Request for Continued Examination (RCE) on March 24, 2005. Claims 1-5 were amended in an Amendment filed on September 15, 2005. Claims 1-5 were amended in an Amendment filed with an RCE on October 29, 2008. Claims 1-5 were amended in an Amendment filed on March 23, 2009. Claims 1-5 were amended in an Amendment filed with an RCE on September 1, 2009. Claims 1-5 were last amended in an Amendment filed on February 24, 2010.

Thus, Claims 1-5 are pending in the application, with each of Claims 1-5 being independent claims. Each of Claims 1-5 stands rejected and is appealed.

STATUS OF AMENDMENTS

The Appendix to this Appeal Brief includes Claims 1-5, for each of which the status is indicated as “Previously Presented”.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention as recited in Claim 1 relates to method of providing a user interface for invoking a plurality of functions registered to a related individual state indicator in a portable terminal displaying a plurality of individual state indicators that indicate a change in a state of a portable terminal operation (Abstract; Specification at page 3, line 21 to page 4, line 6)¹. The method includes registering an initial function to the related individual state indicator corresponding to an initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function (Specification at page 6, line 22 to page 7, line 1). The method also includes registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs (Specification at page 7, line 21 to page 8, line 4). The method also includes altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation (Specification at page 8, lines 4-13). The method also includes invoking the associated task operation module corresponding to the registered different function upon receipt of a user input selecting the individual state indicator (Specification at page 8, line 15 to page 9, line 1).

The invention as recited in Claim 2 relates to a method of providing a user interface for invoking a plurality of functions registered to a related individual state indicator in a portable terminal displaying a plurality of individual state indicators that indicate a change in a state of a portable terminal operation (Abstract; Specification at page 3, line 21 to page 4, line 6). The method includes registering an initial function to the related individual state indicator corresponding to an

¹ Although a citation for each feature of the claims is provided herein, Appellant does not concede the fact that support may be found elsewhere in the written description.

initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function (Specification at page 6, line 22 to page 7, line 1). The method also includes registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs (Specification at page 7, line 21 to page 8, line 4). The method also includes altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation (Specification at page 8, lines 4-13). The method also includes determining whether coordinates of a touch screen input indicate that a representation area of the related individual state indicator has been touched, upon receipt of the touch screen input (Specification at page 9, lines 8-11). The method also includes invoking the associated task operation module corresponding to the registered different function, when the coordinates of the touch screen input indicate that the representation area of the related individual state indicator has been touched (Specification at page 9, lines 11-29; FIG. 6).

The invention as recited in Claim 3 relates to a method of providing a user interface for invoking a plurality of functions registered to a related individual state indicator in a portable terminal displaying the individual state indicator that indicate a change in a state of a portable terminal operation (Abstract; Specification at page 3, line 21 to page 4, line 6). The method includes registering an initial function to the related individual state indicator corresponding to an initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function (Specification at page 6, line 22 to page 7, line 1). The method also includes registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be

reflected in a state representation of the related individual state indicator occurs (Specification at page 7, line 21 to page 8, line 4). The method also includes altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation (Specification at page 8, lines 4-13). The method also includes determining whether a cursor or an input focus is positioned over a representation area of the related individual state indicator, upon receipt of a user button input (Specification at page 9, lines 14-19). The method also includes invoking the associated task operation module corresponding to the registered different function, when the cursor or input focus is positioned over the representation area of the related individual state indicator (Specification at page 9, lines 11-29; FIG. 6).

The invention as recited in Claim 4 relates to a method of providing a user interface for invoking a plurality of functions related to an individual message state indicator indicating message arrival in a portable terminal where the individual state indicator is displayed on a screen of a touch screen input/output device when the message arrives (Abstract; Specification at page 3, line 21 to page 4, line 6). The method includes registering an initial function to the related individual message state indicator corresponding to an initial state of a messaging operation, by associating with the related individual message state indicator a task operation module corresponding to the initial function (Specification at page 6, line 22 to page 7, line 1). The method also includes registering an individual message reading function to the related individual message state indicator, by associating with the related individual message state indicator a task operation module corresponding to the individual message reading function, when the message arrives (Specification at page 7, line 21 to page 8, line 4; Tables 1 and 2). The method also includes displaying an alteration of a representation of the related individual message state indicator corresponding to the message arrival (Specification at page 8, lines 4-13). The method also includes determining whether coordinates of a touch screen input indicate that a representation area of the related individual message state indicator has been touched, upon receipt of the touch screen input (Specification at page 9, lines 8-11). The method also includes invoking the associated task operation module corresponding to the individual message reading function, when the coordinates of the touch screen input indicate that the representation area

of the related individual message state indicator has been touched (Specification at page 9, lines 11-29, and page 10, lines 1-4; FIG. 6).

The invention as recited in Claim 5 relates to a method of providing a user interface for invoking a plurality of functions to a related individual alarm state indicator indicating alarm setting in a portable terminal where the related individual alarm state indicator is displayed on a screen of a touch screen input/output device when an alarm is set (Abstract; Specification at page 3, line 21 to page 4, line 6). The method includes registering an initial function to the related individual alarm state indicator corresponding to an initial state of an alarm operation, by associating with the related individual alarm state indicator a task operation module corresponding to the initial function (Specification at page 6, line 22 to page 7, line 1). The method also includes registering an alarm function to the related individual alarm state indicator, by associating with the related individual alarm state indicator a task operation module corresponding to the alarm function, when the alarm is set (Specification at page 7, line 21 to page 8, line 4; Tables 1 and 2). The method also includes displaying an alteration of a representation of the related individual alarm state indicator corresponding to the alarm being set (Specification at page 8, lines 4-13). The method also includes determining whether coordinates of a touch screen input indicate that a representation area of the related individual alarm state indicator has been touched, upon receipt of the touch screen input (Specification at page 9, lines 8-11). The method also includes invoking the associated task operation module corresponding to the alarm function, when the coordinates of the touch screen input indicate that the representation area of the related individual alarm state indicator has been touched (Specification at page 9, lines 11-29, and page 10, lines 6-11; FIG. 6).

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-5 are unpatentable over *Cox, Jr. et al.* (U.S. Patent 6,462,760) in view of *Moon et al.* (U.S. Patent 6,211,858), under 35 U.S.C. §103(a).

ARGUMENT

1. Independent Claim 1 is patentable over Cox in view of Moon

Independent Claim 1 was said to be unpatentable over *Cox* in view of *Moon*.²

The present application discloses methods in which a user can directly invoke an intended function related with a state indicator by touch screen input or button input, which relieves the user of the inconvenience of pressing keys many times.

Cox is directed to user interfaces, methods, and computer program products that can conserve space on a computer display screen by associating an icon with a plurality of operations. Basically, *Cox* allows a user to change the settings of an icon, such that a different function can be performed, based on the setting at that time when the icon is selected. *Cox* merely teaches a type of function icon, i.e., desktop icon, that is associated with different functions, wherein when the user selects the displayed icon the user can perform one of two operations, performing the function indicated by the icon or changing the icon to indicate another function. In *Cox*, an icon's appearance and operation changes only in response to input from a user.

Moon is directed to a method and apparatus for displaying rotating meters (i.e., state indicators) in a section of a display on a portable intelligent communications device. While *Moon* describes rotating the display of different meters, these meters in *Moon* are just meters that display state information about a corresponding property of the intelligent communications device, e.g., signal strength, battery power, or available memory. In *Moon*, a meter's appearance will change in response to a change in state of a portable communications device. However, the meters in *Moon* do not have any functions registered thereto, which are invoked when the meter is selected (e.g., touched).

² See Final Office Action dated April 27, 2010 at page 2.

Regarding the rejection of independent Claim 1 under §103(a) as being unpatentable over *Cox* in view of *Moon*, the Examiner appears to assert that *Cox* teaches all the recitations of this claim, except for “a state indicator whose representation and function changes according to a state change,” for which the Examiner now cites *Moon*.³

As described above, in *Cox*, an icon’s (not a state indicator’s) appearance and operation changes in response to input from a user; no state changes are used by *Cox* to change the appearance or operation of an icon. A user changing the appearance and operation of an icon cannot be equated with the registering of a different function to the related individual state indicator corresponding to a current state change as recited in independent Claim 1.

The Examiner cites *Moon* as teaching a state indicator whose representation and function changes according to a state change. Appellant agrees that *Moon* teaches a state indicator whose representation changes according to a state change, but disagrees that *Moon* teaches a state indicator whose function changes according to a state change.

Specifically, *Moon* scrolls through or displays different meters, i.e., state indicators, based on timing or an occurrence of a state change corresponding to a respective meter. For example, *Moon* may first display a signal strength meter and then display a battery strength meter, either in a sequence based on time or when either of the signal strength or the battery strength falls below a predetermined threshold. However, neither of the a signal strength meter nor a battery strength meter in *Moon* has a registered function that is invoked when the meter has a registered different function, that is invoked upon receipt of a user input selecting the individual state indicator.

Further, *Moon* clearly fails to teach or suggest multiple functions that are registered to the state indicator corresponding to different states as indicated by the indicator. For example, if the

³ See Final Office Action dated April 27, 2010 at pages 2-4.

battery meter in *Moon* indicates full power, selecting the indicator in *Moon* performs no associated function. Further, if the battery meter in *Moon* indicates almost no power, selecting the indicator in *Moon* again performs no associated function.

Accordingly, the Examiner has failed to cite any prior art in which a selection of a state indicator invokes a function.

Independent Claim 1 recites a method of providing a user interface for invoking a plurality of functions registered to a related individual state indicator in a portable terminal displaying a plurality of individual state indicators that indicate a change in a state of a portable terminal operation, the method comprising:

registering an initial function to the related individual state indicator corresponding to an initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function;

registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs;

altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation; and

invoking the associated task operation module corresponding to the registered different function upon receipt of a user input selecting the individual state indicator. (Emphasis added.)

Even though the meter icon of *Moon* shows the state change in relation to a system operation, *Moon* fails to disclose making a registration for a user to perform the function associated with the meter upon the state change. Also, there is no section of *Moon* that teaches or suggests performing the function relating to the meter icon by means of inputting or touching by a user selecting the meter

icon, or a position of a cursor, as claimed in the current claims. Similarly to the icon of *Cox*, the meter of *Moon* fails to teach, disclose or suggest performing the function associated with the changed state of portable terminal operation as well as displaying the state change of the portable terminal operation, as is with the indicator defined in the claims of the application.

Additionally, although *Cox* teaches that a user may change the function of an icon, which in turn changes the appearance of the icon, *Cox* fails to teach registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs.

Neither *Cox* nor *Moon*, either alone or in combination teach a state indicator that has multiple functions register thereto that are invoked when the state indicator is selected, while indicating a specific state that corresponds to one of the multiple functions, as in independent Claim 1.

Therefore, it is respectfully submitted that independent Claim 1 is patentable over *Cox* in view of *Moon*.

Accordingly, Appellant assert that independent Claim 1 is allowable over *Cox* in view of *Moon*, and respectfully request withdrawal of the rejection of this claims under 35 U.S.C. §103(a).

2. Independent Claims 2 and 3 are patentable over *Cox* in view of *Moon*

Independent Claims 2 and 3 were said to be unpatentable over *Cox* in view of *Moon*.⁴

⁴ See Final Office Action dated April 27, 2010 at page 2

Similarly to independent Claim 1, independent Claims 2 and 3 also recite, in part, registering an initial function to the related individual state indicator corresponding to an initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function; registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs; altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation; and invoking the associated task operation module corresponding to the registered different function, upon receipt of a user input selecting the individual state indicator.

In rejecting independent Claims 2 and 3 as being unpatentable over *Cox* in view of *Moon*, the Examiner makes the same arguments discussed above regarding independent Claim 1. Accordingly, for at least the reasoning presented above regarding independent Claim 1, *Cox* in view of *Moon* also fails render independent Claims 2 and 3 obvious. Therefore, it is respectfully submitted that independent Claims 2 and 3 are patentable over *Cox* in view of *Moon*.

Accordingly, Appellant asserts that independent Claims 2 and 3 are also allowable over *Cox* in view of *Moon*, and respectfully requests withdrawal of the rejection of these claims under 35 U.S.C. §103(a).

3. Independent Claim 4 is patentable over *Cox* in view of *Moon*

Independent Claim 4 was said to be unpatentable over *Cox* in view of *Moon*.⁵

⁵ See Final Office Action dated April 27, 2010 at page 2.

Similarly to independent Claims 1-3, independent Claim 4 recites, in part, registering an initial function to the related individual message state indicator corresponding to an initial state of a messaging operation, by associating with the related individual message state indicator a task operation module corresponding to the initial function; registering an individual message reading function to the related individual message state indicator, by associating with the related individual message state indicator a task operation module corresponding to the individual message reading function, when the message arrives; displaying an alteration of a representation of the related individual message state indicator corresponding to the message arrival; and invoking the associated task operation module corresponding to the individual message reading function, when the coordinates of the touch screen input indicate that the representation area of the related individual message state indicator has been touched.

In rejecting independent Claim 4 as being unpatentable over *Cox* in view of *Moon*, the Examiner makes the same arguments discussed above regarding independent Claim 1. Accordingly, for at least the reasoning presented above regarding independent Claim 1, *Cox* in view of *Moon* also fails render independent Claim 4 obvious.

Additionally, independent Claim 4 is more specifically directed to a message state indicator. That is, independent Claim 4 recites registering two functions to a message state indicator, which are respectively selectable by touching the message state indicator, based on the current state of the portable terminal, i.e., whether the indicator is altered or not.

As described above, neither *Cox* nor *Moon*, either alone or combination, provides any teaching or suggestion for the selection of a state indicator invoking a function. Accordingly, these references also fail to teach or suggest registering an initial function to the related individual message state indicator corresponding to an initial state of a messaging operation, and registering an individual message reading function to the related individual message state indicator, as recited in independent Claim 4.

Therefore, it is respectfully submitted that independent Claim 4 is patentable over *Cox* in view of *Moon*.

Accordingly, Appellant asserts that independent Claim 4 is also allowable over *Cox* in view of *Moon*, and respectfully request withdrawal of the rejection of this claim under 35 U.S.C. §103(a).

4. Independent Claim 5 is patentable over *Cox* in view of *Moon*

Independent Claim 5 was said to be unpatentable over *Cox* in view of *Moon*.⁶

Similarly to independent Claims 1-4, independent Claim 5 recites, in part, registering an initial function to the related individual alarm state indicator corresponding to an initial state of an alarm operation, by associating with the related individual alarm state indicator a task operation module corresponding to the initial function; registering an alarm function to the related individual alarm state indicator, by associating with the related individual alarm state indicator a task operation module corresponding to the alarm function, when the alarm is set; displaying an alteration of a representation of the related individual alarm state indicator corresponding to the alarm being set; and invoking the associated task operation module corresponding to the alarm function, when the coordinates of the touch screen input indicate that the representation area of the related individual alarm state indicator has been touched.

In rejecting independent Claim 5 as being unpatentable over *Cox* in view of *Moon*, the Examiner makes the same arguments discussed above regarding independent Claim 1. Accordingly, for at least the reasoning presented above regarding independent Claim 1, *Cox* in view of *Moon* also fails render independent Claim 5 obvious.

⁶ See Final Office Action dated April 27, 2010 at page 2.

Additionally, independent Claim 5 is more specifically directed to an alarm state indicator. That is, independent Claim 5 recites registering two functions to an alarm state indicator, which are respectively selectable by touching the message state indicator, based on the current state of the portable terminal, i.e., whether the indicator is altered or not.

As described above, neither *Cox* nor *Moon*, either alone or combination, provides any teaching or suggestion for the selection of a state indicator invoking a function. Accordingly, these references also fail to teach or suggest registering an initial function to the related individual alarm state indicator corresponding to an initial state of an alarm operation, and registering an alarm function to the related individual alarm state indicator, as recited in independent Claim 5.

Therefore, it is respectfully submitted that independent Claim 5 is patentable over *Cox* in view of *Moon*.

Accordingly, Appellant asserts that independent Claim 5 is also allowable over *Cox* in view of *Moon*, and respectfully request withdrawal of the rejection of this claim under 35 U.S.C. §103(a).

CONCLUSION


As the Examiner has failed to make out a *prima facie* case for an obviousness rejection, the rejection of Claims 1-5 must be reversed.

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claims 1-5 are taught or suggested by the either *Cox* or *Moon* or the combination thereof. Accordingly, the Examiner has failed to make out a *prima facie* case for an obviousness rejection.

Independent Claims 1-5 are not rendered unpatentable by either *Cox* or *Moon* or the combination thereof. Therefore, the rejection of Claims 1-5 must be reversed.

Dated: October 12, 2010

By: 
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CLAIMS APPENDIX

1. (Previously Presented) A method of providing a user interface for invoking a plurality of functions registered to a related individual state indicator in a portable terminal displaying a plurality of individual state indicators that indicate a change in a state of a portable terminal operation, the method comprising:

registering an initial function to the related individual state indicator corresponding to an initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function;

registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs;

altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation; and

invoking the associated task operation module corresponding to the registered different function upon receipt of a user input selecting the individual state indicator.

2. (Previously Presented) A method of providing a user interface for invoking a plurality of functions registered to a related individual state indicator in a portable terminal displaying a plurality of individual state indicators that indicate a change in a state of a portable terminal operation, the method comprising:

registering an initial function to the related individual state indicator corresponding to an initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function;

registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task

operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs;

altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation;

determining whether coordinates of a touch screen input indicate that a representation area of the related individual state indicator has been touched, upon receipt of the touch screen input; and

invoking the associated task operation module corresponding to the registered different function, when the coordinates of the touch screen input indicate that the representation area of the related individual state indicator has been touched.

3. (Previously Presented) A method of providing a user interface for invoking a plurality of functions registered to a related individual state indicator in a portable terminal displaying the individual state indicator that indicate a change in a state of a portable terminal operation, the method comprising:

registering an initial function to the related individual state indicator corresponding to an initial state of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the initial function;

registering a different function to the related individual state indicator corresponding to a current state change of the portable terminal operation, by associating with the state indicator a task operation module corresponding to the different function corresponding to the current state change of the portable terminal operation, when the change in state of the portable terminal operation to be reflected in a state representation of the related individual state indicator occurs;

altering the state representation of the related individual state indicator corresponding to the current state change of the portable terminal operation;

determining whether a cursor or an input focus is positioned over a representation area of the related individual state indicator, upon receipt of a user button input; and

invoking the associated task operation module corresponding to the registered different

function, when the cursor or input focus is positioned over the representation area of the related individual state indicator.

4. (Previously Presented) A method of providing a user interface for invoking a plurality of functions related to an individual message state indicator indicating message arrival in a portable terminal where the individual state indicator is displayed on a screen of a touch screen input/output device when the message arrives, the method comprising:

registering an initial function to the related individual message state indicator corresponding to an initial state of a messaging operation, by associating with the related individual message state indicator a task operation module corresponding to the initial function;

registering an individual message reading function to the related individual message state indicator, by associating with the related individual message state indicator a task operation module corresponding to the individual message reading function, when the message arrives;

displaying an alteration of a representation of the related individual message state indicator corresponding to the message arrival;

determining whether coordinates of a touch screen input indicate that a representation area of the related individual message state indicator has been touched, upon receipt of the touch screen input; and

invoking the associated task operation module corresponding to the individual message reading function, when the coordinates of the touch screen input indicate that the representation area of the related individual message state indicator has been touched.

5. (Previously Presented) A method of providing a user interface for invoking a plurality of functions to a related individual alarm state indicator indicating alarm setting in a portable terminal where the related individual alarm state indicator is displayed on a screen of a touch screen input/output device when an alarm is set, the method comprising:

registering an initial function to the related individual alarm state indicator corresponding to an initial state of an alarm operation, by associating with the related individual alarm state indicator a

task operation module corresponding to the initial function;

registering an alarm function to the related individual alarm state indicator, by associating with the related individual alarm state indicator a task operation module corresponding to the alarm function, when the alarm is set;

displaying an alteration of a representation of the related individual alarm state indicator corresponding to the alarm being set;

determining whether coordinates of a touch screen input indicate that a representation area of the related individual alarm state indicator has been touched, upon receipt of the touch screen input; and

invoking the associated task operation module corresponding to the alarm function, when the coordinates of the touch screen input indicate that the representation area of the related individual alarm state indicator has been touched.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 C.F.R. 1.130, 1.131, 1.132 or entered by the Examiner and relied upon by Appellant.

RELATED PROCEEDINGS APPENDIX

- Decision On Appeal for the current application (10/038,312), which was decided on August 29, 2008 for Appeal 2008-1049.

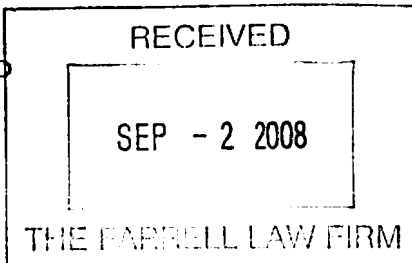


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,312	11/09/2001	Jun-Il Hong	678-0625	7218

66547 7590 08/29/2008
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ART UNIT	PAPER NUMBER
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*Request for
Rehearing
due
10/29/08*

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JUN-IL HONG

Appeal 2008-1049
Application 10/038,312
Technology Center 2100

Decided: August 29, 2008

Before JAMES D. THOMAS, JAY P. LUCAS, and THU A. DANG,
Administrative Patent Judges.

THOMAS, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 through 5. We have jurisdiction under 35 U.S.C. § 6(b).

As best representative of the disclosed and claimed invention,
independent claim 1 is reproduced below:

1. A method of providing a user interface for invoking a plurality of functions related to an individual state indicator in a portable terminal displaying a plurality of individual state indicators, which indicates a state change, the method comprising the steps of:

registering one of the plurality of functions related to the individual state indicator corresponding to a current status change when the stated change to be reflected in the representation of the individual state indicator, occurs;

altering the state representation of the individual state indicator; and

invoking the registered function upon receipt of a user input for designating the individual state indicator.

The following references are relied on by the Examiner:

Horwitz	US 5,774,866	June 30, 1998
Pinard	US 5,898,432	Apr. 27, 1999

Claims 1 through 5 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Pinard view of Horwitz.

Rather than repeat the positions of the Appellant and the Examiner, reference is made to the Brief and Reply Brief for Appellant's positions, and to the Answer for the Examiner's positions.

OPINION

For the reasons set forth by the Examiner in the Answer, as embellished upon here, we sustain the rejection of claims 1 through 5 under 35 U.S.C. § 103. The top of page 2 of the Brief indicates that claims 1 through 3 fall as a group. Therefore, we consider independent claim 1 as

representative of all of them. Separate groups apply as to independent claims 4 and 5. As best represented by the statement at the middle of page 3 of the Reply Brief, Appellant does not argue that Pinard and Horwitz are not properly combinable within 35 U.S.C. § 103, but only that the combination does not teach the subject matter of the argued claims on appeal. With this view, we strongly disagree.

According to Pinard, a single cursor 23 in figure 32 has different changeable forms or representations as icons 25 in figures 3 through 5 and correspondingly different functions that may be invoked by the user for each of them. The Examiner's best statement of the Examiner's views with respect to Pinard appears at page 11 of the Answer.

Because we agree with the Examiner's Answer analysis of the teaching value of both references as expressed at page 14 of the Answer, we reproduce them here:

Although Pinard doesn't explicitly teach that the user input is selection of the indicator, Horwitz teaches the subject limitation. Similar to Pinard, Horwitz also teaches the display of an indicator upon occurrence of an event, i.e. the display of the alarm status flashing icon when conflicting search results are found, as recited in column 21, lines 1-15. Horwitz further teaches that the registered function of the indicator is invoked upon user selection of the indicator, i.e. the registered function of displaying selected information associated with the alarm status flashing icon, i.e. a list of potential matters which produced the conflicts, is invoked if the user selects the alarm status flashing icon, as recited in column 21, lines 1-15 and 26-30. Therefore, since Pinard teaches invoking one of a plurality of registered functions of an indicator upon receipt of a user input and Horwitz teaches the invocation of the function of the state indicator upon designation of the indicator, the combination of Pinard and Horwitz teaches invoking one of a plurality of registered functions of an indicator upon user input designating the indicator.

With respect to these remarks, it is significant to note that the artisan may understand Pinard as teaching a user input is the selection of the indicator according to the discussion at column 6, lines 6 through 11. Here a respective user response for each of the showings of the cursor in figures 3 through 5 effectively invokes the change of the cursor back to its original form as representative as an arrow in figure 2.

We therefore do not agree with Appellant's continued urging at pages 2 and 3 of the Reply Brief that the combination of Pinard and Horwitz discloses only a cursor whose form changes but whose function remains fixed or unchanged. The Appellant's discussion here also takes a limited view of the teaching value of Pinard by only looking at its abstract. From our perspective, the teaching value of the combination of references to an artisan is best represented by the Examiner's views and not Appellant's limited views as expressed in the Brief and Reply Brief.

The artisan would understand that the generic state indicator of representative independent claim 1, the specific message state indicator in independent claim 4 and the specific alarm state indicator of independent claim 5 are represented among the teachings and illustrations in Pinard and Horwitz as outlined by the Examiner. These are also indicated in the discussion of Appellant's views with respect to the prior art at Specification page 1, line 19 through the discussion before the Summary of the Invention at Specification page 3. The actual specific types of indicators are discussed with respect to prior art figure 1 and the discussion beginning at page 1 through the top of page 2.

Significantly, the discussion of and showing in Appellant's admitted prior art figure 2 at pages 2 and 3 of the Specification as filed appear to us to buttress the Examiner's positions with respect to Pinard and Horwitz, since it is known in the art that state changes can occur, and even new state indicators be produced with respect to stated indicators illustrated in Appellant's prior art figure 1. The discussion on these pages indicates that the user may indirectly invoke a function or directly invoke a function associated with the changed state indicator, as claimed. The ability of the user to directly invoke an intended function as expressed in the Summary of the Invention at page 3, lines 21 through 26, and at Specification page 10, lines 13 through 19, is not only known in the discussion associated with the admitted prior art at Specification pages 2 and 3, but it also is not recited in the claims on appeal.

In view of the foregoing, we have sustained the rejection of claims 1 through 5 under 35 U.S.C. § 103 since Appellant has not presented persuasive arguments of any errors in the Examiner's positions. Therefore, the decision of the Examiner is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

pgc

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